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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/014,625 | 10/22/2001 | Stephen J. Hawkins | 56937US002 | 1418 |

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EXAMINER

ZIRKER, DANIEL R

ART UNIT PAPER NUMBER

1771

5

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | | |
|-----------------|----------------|--|--|
| Application No. | Applicant(s) | | |
| Examiner | Group Art Unit | | |

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- Responsive to communication(s) filed on _____
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-22 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-22 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement

Application Papers

- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
 - All Some* None of the:
 - Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____
 - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4
- Notice of Reference(s) Cited, PTO-892
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Interview Summary, PTO-413
- Notice of Informal Patent Application, PTO-152
- Other _____

Office Action Summary

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1. Claims 2-4, 8, 10, 11, 15, and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, in claims 2-4, 10 and 11 it is suggested to use "further" before "comprising". In claims 8 and 15 it is suggested to use "mixtures" in place of "combinations". Finally, in claim 21 the usage "comprises a material selected from" is inconsistent in utilizing an open end term followed by a Markush grouping.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Babu et al. taken in view of either Davison or Hansen et al. The primary reference discloses (note particularly column 8 lines 50-56, as well as column 1 lines 6-10, column 3 lines 6-29, and column 8 lines 35-49) a genus of primers suitable for improving the adhesion of a pressure sensitive adhesive to a substrate such as a polymer film backing,

the primer comprising a triblock copolymer of styrene-ethylene/butylene-styrene grafted with maleic anhydride mixed with an amorphous polypropylene. The reference lacks the teaching of the presence of a suitable "resin" such as a hydrogenated hydrocarbon resin (applicants' claim 9). Each of the secondary references, however, discloses (note particularly Davison, the Abstract, column 1 lines 29-40, column 2 lines 40-57, claim 1; Hansen et al., the Abstract, column 1 lines 42-45, column 2 line 25 - column 3 line 28) the presence of a suitable resin such as an olefinic hydrocarbon resin (Davison) or an end block compatible resin such as an aromatic resin (Hansen et al.), each resin further utilized in a closely related primer composition having a functionalized elastomeric block copolymer as one of its components. One of ordinary skill, motivated by an expectation of improved bonding properties in primer compositions having a higher overall glass transition temperature would accordingly incorporate each of the resins set forth in the secondary reference into the primer composition of Babu et al. and thereby either form, or clearly render obvious the claimed genus of primer compositions and the accompanying primers utilized in pressure sensitive adhesive tape articles such as set forth in applicants' claim 12. With respect to such parameters as the presence of cross-linking agents and epoxies, note the disclosure of St. Coeur et al. or the utilization of poly α -olefin

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pressure sensitive adhesives such as applicants claim in claim 17, ⁿ note the earlier co-inventor Hawkins work, each reference cited as evidence of the state of the art. Other parameters that are not either expressly or inherently disclosed are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

March 10, 2003

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1900~~
1700

Daniel Zirker